



Reprinted
February 5, 2002

HOUSE BILL No. 1335

DIGEST OF HB 1335 (Updated February 4, 2002 6:09 PM - DI 103)

Citations Affected: IC 33-4; noncode.

Synopsis: ADR pilot project. Reauthorizes the Allen County alternative dispute resolution (ADR) pilot project for parties contemplating divorce. Provides that the ADR project may include nonbinding arbitration. Permits a senior judge to serve as a domestic relations mediator. Permits a county other than Allen County to operate an ADR pilot project if the county: (1) uses a plan submitted to the judicial conference; and (2) obtains approval by a majority of the judges in the county exercising jurisdiction over domestic relations and paternity cases.

Effective: July 1, 2002.

Pond, Sturtz, Moses, Kuzman

January 15, 2002, read first time and referred to Committee on Judiciary.
January 30, 2002, reported — Do Pass.
February 4, 2002, read second time, amended, ordered engrossed.

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HB 1335—LS 6472/DI 106+



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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1335

A BILL FOR AN ACT to amend the Indiana Code concerning
courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-4-8-3 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2002]: Sec. 3. A senior judge:

3 (1) exercises the jurisdiction granted to the court served by the
4 senior judge;

5 (2) **may serve as a domestic relations mediator, subject to the**
6 **code of judicial conduct;**

7 (3) serves at the pleasure of the supreme court; and

8 ~~(4)~~ (4) serves in accordance with rules adopted by the supreme
9 court under IC 33-2-1-8.

10 SECTION 2. P.L.107-2000, SECTION 2, IS AMENDED TO READ
11 AS FOLLOWS [EFFECTIVE JULY 1, 2002]: (a) This SECTION
12 applies to the circuit and superior courts of a county having a
13 population of more than three hundred thousand (300,000) but less
14 than four hundred thousand (400,000) in which dissolution of marriage
15 actions are filed.

16 (b) Notwithstanding IC 33-19-5-4, if a county meets the
17 requirements of this SECTION, the clerk of the court shall collect from

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the party filing a **petition for legal separation, paternity, or** dissolution of marriage action under IC 31 after December 31, 1997, a civil costs fee of one hundred ~~twenty~~ **twenty-four** dollars ~~(\$120)~~ **(\$124)**. Within thirty (30) days after the clerk collects a fee, the clerk shall forward to the county auditor the difference between the fees collected under this subsection and the fees that would have been collected under IC 33-19-5-4. The county auditor shall deposit the fees forwarded by the clerk under this subsection into the alternative dispute resolution fund of the court for which the fees were collected.

(c) There is established an alternative dispute resolution fund for the circuit court and an alternative dispute resolution fund for the superior court. The exclusive source of money for each fund shall be the fees collected under subsection (b) for the circuit or superior court, respectively. The funds shall be used to foster **domestic relations** alternative dispute resolution, including mediation, reconciliation, **nonbinding arbitration**, and parental counseling. Litigants referred by the court to services covered by the fund shall be required to make a copayment for the services in an amount determined by the court. The funds shall be administered by the circuit or superior court, respectively. Money in each fund at the end of a fiscal year does not revert to the county general fund, but remains in the fund for the uses specified in this subsection.

(d) A county desiring to participate in the program under this SECTION must ~~submit an initial plan to the Indiana judicial conference not later than September 30, 1997. The plan must include information concerning how the county proposes to carry out the purposes of the alternative dispute resolution fund as set out in subsection (c). The judicial conference shall determine from the plan submitted under this subsection whether to approve the county's participation in the program. operate its program in accordance with a plan submitted to the judicial conference.~~ The county may amend the plan ~~submitted under this subsection~~ at any time with the approval of the judicial conference. The judicial conference may request ~~such~~ additional information from the county as necessary. ~~to assist in a determination under this subsection.~~

(e) A county that participates in the program under this SECTION shall submit a report to the Indiana judicial conference not later than ~~December 31, 1999; December 31 of each year,~~ summarizing the results of the program. ~~through 1999. The county shall submit a final report to the Indiana judicial conference not later than December 31, 2001.~~

~~(f) This SECTION expires July 1, 2002.~~



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SECTION 3. [EFFECTIVE JULY 1, 2002] (a) This SECTION applies to the circuit and superior courts of a county other than a county with a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

(b) Notwithstanding IC 33-19-5-4, if a county meets the requirements of this SECTION, the clerk of the court shall collect from the party filing a petition for legal separation, paternity, or dissolution of marriage action under IC 31 after December 31, 2002, a civil costs fee of one hundred twenty-four dollars (\$124). Not later than thirty (30) days after the clerk collects a fee, the clerk shall forward to the county auditor the difference between the fees collected under this subsection and the fees that would have been collected under IC 33-19-5-4. The county auditor shall deposit the fees forwarded by the clerk under this subsection into the domestic relations alternative dispute resolution fund.

(c) There is established a domestic relations alternative dispute resolution fund. The exclusive source of money for the fund shall be the fees collected under subsection (b). The funds shall be used to foster domestic relations alternative dispute resolution, including mediation, reconciliation, nonbinding arbitration, and parental counseling. Litigants referred by the court to services covered by the fund shall make a copayment for the services in an amount determined by the court. The fund shall be administered by the circuit or superior courts in the county that exercises jurisdiction over domestic relations and paternity cases. Money in the fund at the end of a fiscal year does not revert to the county general fund, but remains in the fund for the uses specified in this subsection.

(d) A county desiring to participate in the program under this SECTION must:

- (1) develop a plan to carry out the purposes of subsection (c) that have been approved by a majority of the judges in the county exercising jurisdiction over domestic relations and paternity cases; and
- (2) submit the plan to the judicial conference.

The plan must include information concerning how the county proposes to carry out the purposes of the domestic relations alternative dispute resolution fund as set out in subsection (c). The plan may include the use of senior judges as mediators in domestic relations cases as assigned by the supreme court. The judicial conference may request additional information from the county as necessary.



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- 1 (e) A county that participates in the program under this
- 2 SECTION shall submit a report to the Indiana judicial conference
- 3 not later than December 31 each year, summarizing the results of
- 4 the program.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1335, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STURTZ, Chair

Committee Vote: yeas 10, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1335 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 33-4-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. A senior judge:

(1) exercises the jurisdiction granted to the court served by the senior judge;

(2) **may serve as a domestic relations mediator, subject to the code of judicial conduct;**

(3) serves at the pleasure of the supreme court; and

~~(3)~~ (4) serves in accordance with rules adopted by the supreme court under IC 33-2-1-8."

Page 1, line 9, after "filing a" insert "**petition for legal separation, paternity, or**".

Page 1, line 10, strike "twenty" and insert "**twenty-four**".

Page 1, line 11, delete "(\$120)." and insert "(\$124)".

Page 2, line 3, after "foster" insert "**domestic relations**".

Page 2, line 20, delete "approved by" and insert "**submitted to**".

Page 2, line 22, strike "such".

Page 2, line 23, after "necessary" insert ".".

Page 2, line 23, strike "to assist in a".

Page 2, strike line 24.

Page 2, line 27, delete ", 2004" and insert "**of each year**".

Page 2, line 28, after "program" insert ".".

Page 2, line 28, strike "through".

Page 2, line 28, delete "2004".

Page 2, line 28, strike "The county shall submit a final report".

Page 2, line 29, strike "to the Indiana judicial conference not later than ".

Page 2, delete line 30.

Page 2, line 31, strike "(f) This SECTION expires".

Page 2, line 31, delete "July 1, 2006".

Page 2, line 38, after "filing a" insert "**petition for legal separation, paternity, or**".

Page 2, line 39, delete "twenty" and insert "**twenty-four**".

Page 2, line 40, delete "(\$120)" and insert "(\$124)".



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Page 3, line 3, after "into the" insert "**domestic relations**".

Page 3, line 3, delete "of the court" and insert ".".

Page 3, delete line 4.

Page 3, line 5, delete "an" and insert "**a domestic relations**".

Page 3, line 5, after fund insert ". **The exclusive source of money for the fund shall be the fees collected under subsection (b). The funds shall be used to foster domestic relations alternative dispute resolution, including mediation, reconciliation, nonbinding arbitration, and parental counseling. Litigants referred by the court to services covered by the fund shall make a copayment for the services in an amount determined by the court. The fund shall be administered by the circuit or superior courts in the county that exercises jurisdiction over domestic relations and paternity cases. Money in the fund at the end of a fiscal year does not revert to the county general fund, but remains in the fund for the uses specified in this subsection.**".

Page 3, delete lines 6 through 17.

Page 3, delete lines 20 through 35, begin a new line block indented and insert:

- "(1) develop a plan to carry out the purposes of subsection (c) that have been approved by a majority of the judges in the county exercising jurisdiction over domestic relations and paternity cases; and**
- (2) submit the plan to the judicial conference.**

The plan must include information concerning how the county proposes to carry out the purposes of the domestic relations alternative dispute resolution fund as set out in subsection (c). The plan may include the use of senior judges as mediators in domestic relations cases as assigned by the supreme court. The judicial conference may request additional information from the county as necessary.".

Page 3, line 38, delete ", 2003" and insert "**each year**".

Page 3, line 39, delete "through 2003. The county shall submit a final report to" and insert ".".

Page 3, delete lines 40 through 41.

Renumber all SECTIONS consecutively.

(Reference is to HB 1335 as printed January 31, 2002.)

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